

Pursuant to the advertisement, posting of property, and public hearing on the Petition and it appearing that strict compliance with the Baltimore County Zoning Regulations would/would not result in practical difficulty and unreasonable hardship upon the Petitioner(s) and the granting of the variance(s) requested will/will not adversely affect the health, safety, and general welfare of the community, the variance(s) should /should, not be granted.

Therefore, IT IS ORDERED by the Zoning Commissioner of Baltimore County, this _____ day of _____, 19____, that the herein Petition for Variance(s) to permit

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Nicholas A. Comodari, Zoning Department Date: December 15, 1983

FROM: C. E. Burnham, Chief Plans Review C.E.B.

SUBJECT: Zoning Advisory Committee Meeting of December 13, 1983

Item #131	See Comments
Item #132	See Comments
Item #133	See Comments
Item #134	See Comments
Item #135	No Comment
Item #136	See Comments
Item #137	No Comments
Item #138	See Comments
Item #139	See Comments
Item #140	No Comment
Item #141	No Comment
Item #142	See Comments

Item #89 Revised See Comment

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

Mr. Arnold Jablon, Zoning Commissioner TO: Office of Planning and Zoning Date: January 26, 1984

FROM: Ian J. Forrest

SUBJECT: Zoning Variance Items Meeting - December 13, 1983

The Baltimore County Department of Health has reviewed the following zoning items and does not anticipate any health hazards at this time regarding these items.

Item #137 - S. L. M. & S. Partnership
Item #138 - William W. & June K. Clark
Item #139 - James C. Swartz
Item #140 - John E. & Barbara Clark
Item #141 - Charles H. & Lois J. Barrows
Item #142 - Craig S. & Patricia A. Carroll

[Signature]
Ian J. Forrest, Director
BUREAU OF ENVIRONMENTAL SERVICES

IJF/lth

BALTIMORE COUNTY PUBLIC SCHOOLS

Robert V. Dubel, Superintendent

Towson, Maryland - 21204

Date: 1/5/84

Mr. Arnold Jablon
Zoning Commissioner
Baltimore County Office Building
1111 West Chesapeake Avenue
Towson, Maryland 21204

Z.A.C. Meeting of:
December 13, 1983
RE: Item No: 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, & 142.
Property Owner:
Location:
Present Zoning:
Proposed Zoning:

District:
No. Acres:

Dear Mr. Jablon:

The above items have no bearing on student population.

Very truly yours,

[Signature]
Mr. Nick Petrovich, Assistant
Department of Planning

WNP/lth

IN RE: PETITION ZONING VARIANCES
W/S of Spring Road, 800' S of
Monumental Road - 13th Elec-
tion District
S L M & S Partnership,
Petitioner

BEFORE THE
ZONING COMMISSIONER
OF BALTIMORE COUNTY
Case No. 84-207-A

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioner herein requests variances to permit a side yard setback, window to tract boundary, of 20 feet instead of the required 35 feet and a setback to the center of the street of 45 feet instead of the required 50 feet, as more fully described on Petitioner's Exhibit 2.

The Petitioner, by James W. McKee, a registered land surveyor and partner, appeared and testified and was represented by Counsel. There were no Protestants.

The subject property, zoned D.R.5.5, was originally a part of the subdivision known as "Oak Park Addition", a subdivision recorded in the Land Records of Baltimore County in 1921. Development occurred on parts of the subdivision but not on the subject portion. On or about 1979, an undeveloped portion was purchased by William T. Stevenson and George M. Llewellyn who prepared a new subdivision plan named "Monumental Park". The original subdivision plan provided for 50-foot lot widths and the new plan combined and altered property lines to conform the area requirements established by the current Baltimore County Zoning Regulations (BCZR). However, for some unknown reason, Lot 67, the subject herein, was excluded from the new plan. Subsequently, Mr. McKee and another individual joined with Mr. Stevenson and Mr. Llewellyn to form a partnership known as S L M & S Partnership, the Petitioner herein. It was then discovered that Lot 67, although owned by the Petitioner, had not been incorporated into the

subdivision plan known as Monumental Park and had not had its property lines altered to meet the minimum lot requirements.

The Petitioner now wishes to develop the property and needs to comply with the BCZR. The property lines of Lot 67 will be redrawn to increase its width from 50 feet to approximately 66 feet by reducing the width of Lot 1 from approximately 71 feet to 55 feet.

The envelope shown on Petitioner's Exhibit 2 conforms to the envelopes proposed for the other lots in the subdivision. The primary reason for the variance requests is to provide compatibility. If the variances were not granted, the property would be useless. Indeed, the Petitioner could easily have requested a variance to allow an undersized lot, but this would permit a smaller home than is otherwise planned for the development, thereby being incompatible with the other lots in the subdivision.

Mr. McKee, based on his experience, testified that there would be no adverse impact on the general health, safety, and welfare of the community and that the variances would conform to the spirit and intent of the BCZR.

The Petitioner seeks relief from Sections 1B01.2.C.2.a, 1B01.2.C.3, and 1B01.2.C.6 (V.B.5.a, CHDP), pursuant to Section 307, BCZR.

An area variance may be granted where strict application of the zoning regulation to the petitioner and his property would cause practical difficulty. McKee v. Soley, 270 Md. 208 (1973). To prove practical difficulty for an area variance, the petitioner must meet the following:

- whether strict compliance with requirement would unreasonably prevent the use of the property for a permitted purpose or render conformance unnecessarily burdensome;
- whether the grant would do substantial injustice to applicant as well as other property owners in the district or whether a lesser relaxation than that applied for would give substantial relief; and

- whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.

Anderson v. Bd. of Appeals, Town of Chesapeake Beach, 22 Md. App. 28 (1974).

It is clear from the testimony that if the variances were granted, such use as proposed would not be contrary to the spirit of the BCZR and would not result in substantial detriment to the public good.

After due consideration of the testimony and evidence presented, it is clear that a practical difficulty or unreasonable hardship would result if the instant variances were not granted. It has been established that the requirement the Petitioner seeks relief from here would unduly restrict the use of the land due to the special conditions unique to this particular parcel. In addition, the variances requested will not be detrimental to the public health, safety, and general welfare.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the variances requested should be granted.

Therefore, IT IS ORDERED by the Zoning Commissioner of Baltimore County, this 6th day of March, 1984, that the Petition for Variances to permit a side yard setback, window to tract boundary, of 20 feet instead of the required 35 feet and a setback to the center of the street of 45 feet instead of the required 50 feet be and is hereby GRANTED, from and after the date of this Order subject, however, to the following restrictions:

- The Petitioner may apply for its building permit and be granted same upon receipt of this Order; however, Petitioner is hereby made aware that proceeding at this time is at its own risk until such time as the applicable appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioner would be required to return, and be responsible for returning, said property to its original condition.
- Compliance with the comments submitted by the Baltimore County Zoning Plans Advisory Committee (ZPAC), which

are adopted in their entirety and made a part of this Order.

- An amended final development plan and an amended plat, in accordance with the comments provided by ZPAC, shall be submitted to the Office of Zoning within ten days of the date of this Order.

[Signature]
Zoning Commissioner of
Baltimore County

ORDER RECEIVED FOR FILING

DATE March 6, 1984
BY [Signature]

ORDER RECEIVED FOR FILING

DATE March 9, 1984
BY [Signature]

ORDER RECEIVED FOR FILING

DATE March 9, 1984
BY [Signature]

ORDER RECEIVED FOR FILING

DATE March 6, 1984
BY [Signature]

MCKEE & ASSOCIATES, INC.
Engineering - Surveying - Real Estate Development

1717 YORK RD. LUTHERVILLE, MARYLAND 21093
Telephone: (301) 252-5820
December 1, 1983

DESCRIPTION TO ACCOMPANY PETITION FOR VARIANCE
LOT 67, BLOCK B., "OAKPARK"

Beginning for the same at a point 800 feet South of the intersection of Monumental Road and Spring Road, on the Westerly Right-of-Way line of Spring Road (40 feet wide), and running thence binding on said Spring Road South 12° 47' 48" West 68.52 feet; thence South 87° 55' 09" West 74.55 feet; thence North 02° 04' 51" West 66.21 feet; thence North 87° 55' 09" East 92.14 feet to the place of beginning.



PETITION FOR VARIANCES
13th Election District

ZONING: Petition for Variances
LOCATION: West side Spring Road, 800 ft. South of Monumental Road
DATE & TIME: Monday, February 27, 1984 at 10:00 A.M.
PUBLIC HEARING: Room 106, County Office Building, 111 W. Chesapeake Avenue, Towson, Maryland

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing:

Petition for Variances to permit a side yard setback (a window to tract boundary) of 20 ft., in lieu of the required 35 ft., and a setback to the center of the street of 45 ft. instead of the required 50 ft.

Being the property of S L M & S Partnership, as shown on plat plan filed with the Zoning Department.

In the event that this Petition is granted, a building permit may be issued within the thirty (30) day appeal period. The Zoning Commissioner will, however, entertain any request for a stay of the issuance of said permit during this period for good cause shown. Such request must be received in writing by the date of the hearing set above or made at the hearing.

BY ORDER OF
ARNOLD JABLON
ZONING COMMISSIONER
OF BALTIMORE COUNTY

BALTIMORE COUNTY
OFFICE OF PLANNING & ZONING
TOWSON, MARYLAND 21204
494-3353

ARNOLD JABLON
ZONING COMMISSIONER

February 21, 1984

S L M & S Partnership
c/o James W. McKee
1717 York Road
Lutherville, Maryland 21093

Re: Petition for Variances
W/S Spring Rd., 800' S of Monumental Rd.
S L M & S Partnership - Petitioner
Case No. 84-207-A

Dear Sir:

This is to advise you that \$39.20 is due for advertising and posting of the above property.

This fee must be paid and our zoning sign and post returned on the day of the hearing before an Order is issued. Do not remove sign until day of hearing.

Please make the check payable to Baltimore County, Maryland, and remit to Mrs. Arlene January, Zoning Office, Room 113, County Office Building, Towson, Maryland 21204, before the hearing.

Sincerely,

BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE - REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT

No. 126852

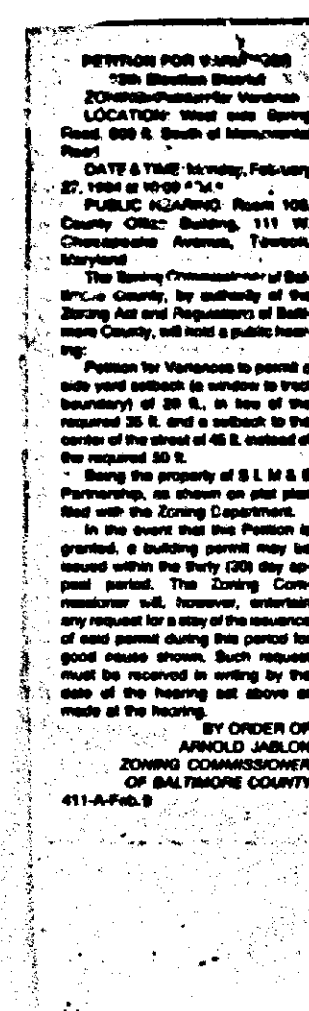
DATE 2-27-84 ACCOUNT R-01-615-000

AMOUNT \$39.20

RECEIVED FROM McKee + Associates
FOR Advertising & Posting Case # 84-207-A
(S L M & S Partnership)
(Jd.)

0 038*****392016 82744

VALIDATION OR SIGNATURE OF CASHIER



Office of
PATUXENT
Publishing Corp.
10750 Little Patuxent Pkwy
Columbia, MD 21044

FEBRUARY 9 1984

THIS IS TO CERTIFY, that the annexed advertisement of
PETITION FOR VARIANCES

was inserted in the following:

☐ Catonsville Times
☒ Arbutus Times

weekly newspapers published in Baltimore County, Maryland
once a week for ONE successive weeks before
the 11 day of FEBRUARY 1984, that is to say,
the same was inserted in the issues of

FEBRUARY 9, 1984

PATUXENT PUBLISHING CORP.
By *[Signature]*

IN THE CIRCUIT COURT
FOR BALTIMORE COUNTY, IN EQUITY

Plaintiff

Defendant

CERTIFICATE OF PUBLICATION OF

March 6, 1984

Dorothy M. Beaman, Esquire
405 West Pennsylvania Avenue
Towson, Maryland 21204

IN RE: Petition Zoning Variances
W/S of Spring Road, 800' S of
Monumental Road - 13th Elec-
tion District
S L M & S Partnership,
Petitioner
Case No. 84-207-A

Dear Ms. Beaman:

I have this date passed my Order in the above-referenced matter in accordance with the attached.

Sincerely,

[Signature]
ARNOLD JABLON
Zoning Commissioner

AJ/srl

Attachments

cc: People's Counsel

January 30, 1984

S L M & S Partnership
c/o James W. McKee
1717 York Road
Lutherville, Maryland 21093

NOTICE OF HEARING

Re: Petition for Variances
W/S Spring Rd., 800' S of Monumental Rd.
S L M & S Partnership - Petitioners
Case No. 84-207-A

TIME: 10:00 A.M.

DATE: Monday, February 27, 1984

PLACE: Room 106, County Office Building, 111 West Chesapeake Avenue, Towson, Maryland

[Signature]
Zoning Commissioner
of Baltimore County

BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE - REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT

No. 122951

DATE 1-30-84 ACCOUNT R-01-615-000

AMOUNT \$39.20

RECEIVED FROM H.L.
FOR Filing for Case # 84-207-A
(S L M & S Partnership)
(Jd.)

0 017*****392016 82744

VALIDATION OR SIGNATURE OF CASHIER

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

Arnold Jablon
TO: Zoning Commissioner Date: February 16, 1984

Norman E. Gerber, Director
FROM: Office of Planning and Zoning

S L M & S Partnership
SUBJECT: 84-207-A

An amended Final Development Plan and an amended plat are required.

[Signature]
Norman E. Gerber, Director
Office of Planning and Zoning

NEG/JGH/sf

Arnold Jablon
Zoning Commissioner February 16, 1984

Norman E. Gerber, Director
Office of Planning and Zoning

S L M & S Partnership
84-207-A

An amended Final Development Plan and an amended plat are required.

[Signature]
Norman E. Gerber, Director
Office of Planning and Zoning

NEG/JGH/sf

84-207-A CERTIFICATE OF PUBLICATION

TOWSON, MD., February 9, 1984

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper printed and published in Towson, Baltimore County, Md., on one time before the 27th day of February, 1984, the first publication appearing on the 9th day of February, 1984.

THE JEFFERSONIAN,

L. Frank Smith
Manager

Cost of Advertisement, \$ 12.00

PETITION FOR VARIANCES

15th Election District

ZONING: Petition for Variance to Zoning Ordinance, Section 10-10, to permit a side yard setback (a window to the street) of 35 feet, in lieu of the required 50 feet, on the west side of the lot.

LOCATION: West side Spring Road, 500 ft. South of Monumental Road.

DATE & TIME: Monday, February 13, 1984 at 10:00 A.M.

PUBLIC HEARING: Room 104, County Office Building, 111 W. Chesapeake Avenue, Towson, Maryland.

The Zoning Commission of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the above-captioned petition for a variance to permit a side yard setback (a window to the street) of 35 feet, in lieu of the required 50 feet, on the west side of the lot.

Being the property of S.L.M. & S. Partnership, as shown on plat filed with the Zoning Department.

In the event that this Petition is granted, a building permit may be issued within the thirty (30) day appeal period. The Zoning Commission will, however, entertain any request for a stay of the issuance of said permit during this period for good cause shown. Such request must be received in writing by the date of the hearing set above or made at the hearing.

By Order of
ARNOLD JABLON,
Zoning Commissioner
of Baltimore County
Feb. 9, 1984

CERTIFICATE OF POSTING ZONING DEPARTMENT OF BALTIMORE COUNTY Towson, Maryland

84-207-A

District 13th Date of Posting 2-13-84

Posted for: Variance

Petitioner: S.L.M. & S. Partnership

Location of property: W/S of Spring Road 800's of Monumental Rd.

Location of Signs: W/S of Spring Ave. Approx. 825' S. of Monumental Rd.

Remarks: Only one sign posted. Putnam Road is now existing.

Posted by: J. J. Smith Date of return: 2-17-84

Number of Signs: 1

Mr. James W. McKee
1717 York Road
Lutherville, Md. 21093

BALTIMORE COUNTY OFFICE OF PLANNING & ZONING

County Office Building
111 W. Chesapeake Avenue
Towson, Maryland 21204

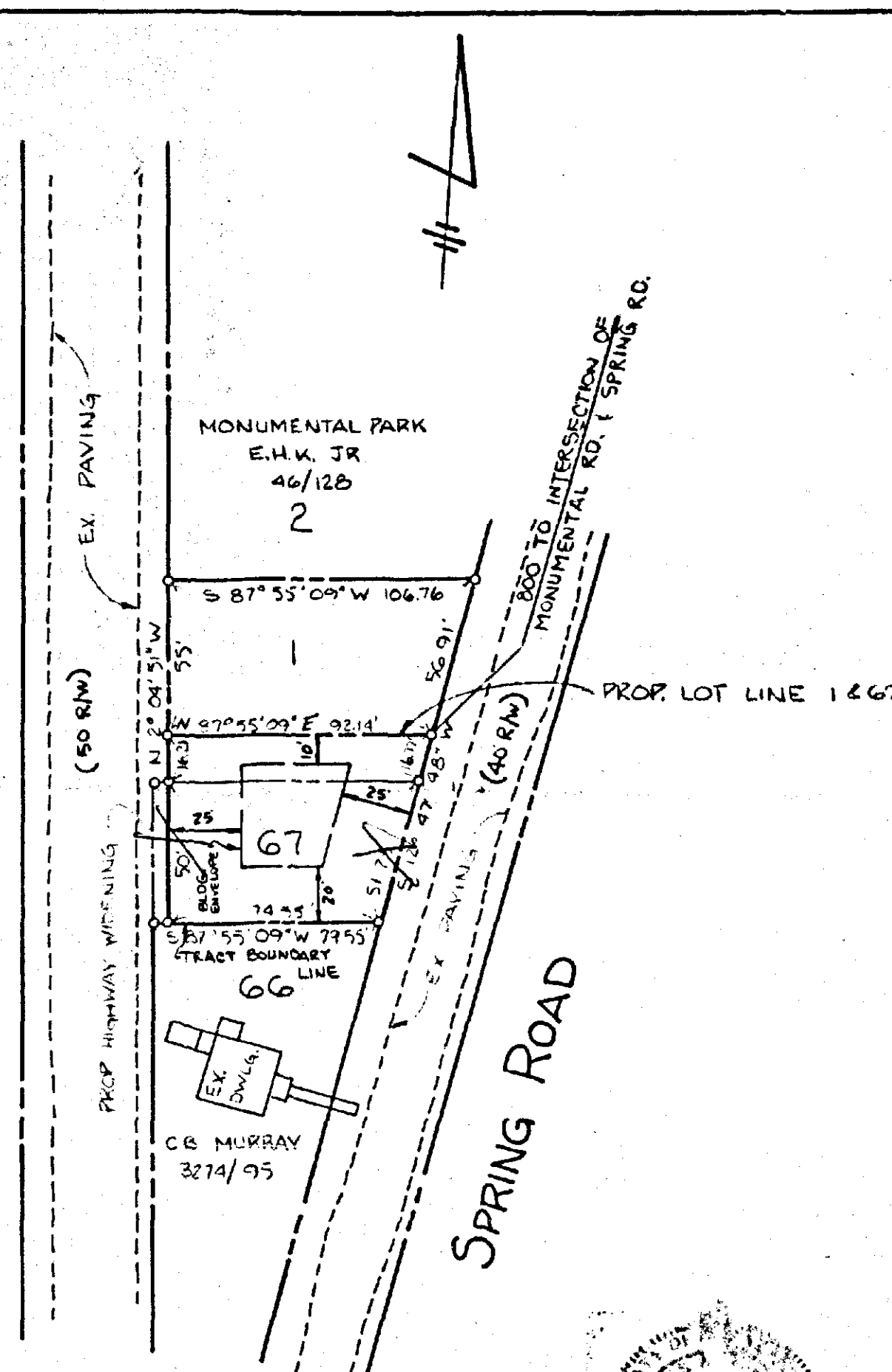
Your petition has been received and accepted for filing this 24th day of January, 1984.

Arnold Jablon
ARNOLD JABLON
Zoning Commissioner

Petitioner S.L.M. & S. Partnership
Petitioner's Attorney

Received by *Nicholas B. Commodari*
Nicholas B. Commodari
Chairman, Zoning Plans
Advisory Committee

PUTNAM ROAD

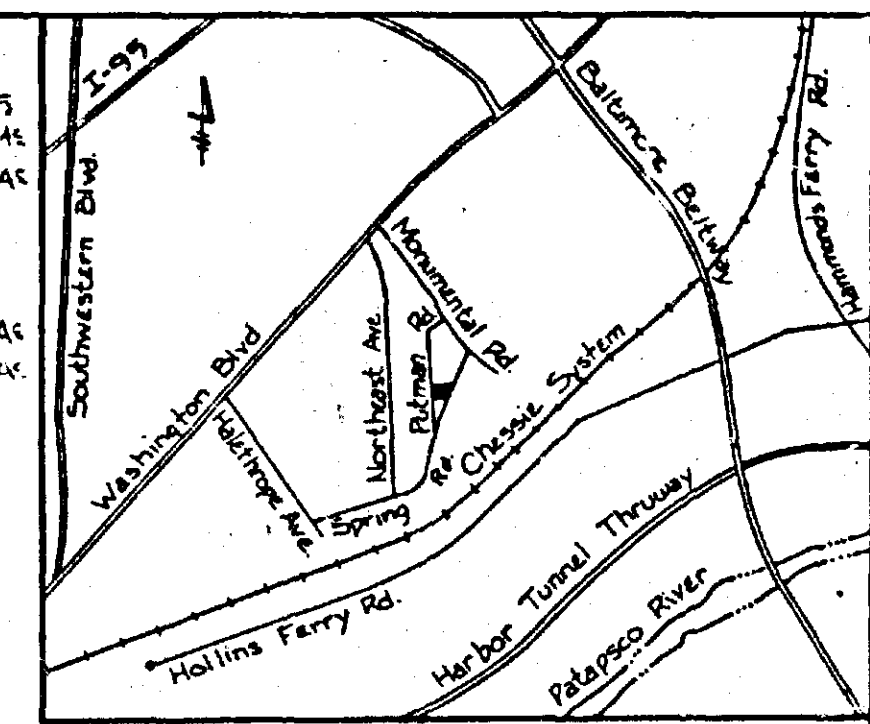


PETITIONER'S
EXHIBIT 2

James W. McKee 1/1/84
JAMES W. MCKEE DATE:
(MD. REG. NO. 9012)

DENSITY NOTES

1. EXISTING ZONING OF PROPERTY DR 5.5
2. GROSS AREA OF MONUMENTAL PARK 10.67 AC
3. ADDITIONAL ACREAGE 0.099 AC
4. DWELLING UNITS PERMITTED 59
5. DWELLING UNITS RECORDED 56
6. NEW DWELLING UNITS PROPOSED 1
7. GROSS ACREAGE OF ENTIRE TRACT 10.778 AC
8. HIGHWAY WIDENING AREA 0.06 AC
9. NO. OF PARKING SPACES REQUIRED 2
10. NO. OF PARKING SPACES PROVIDED 2
11. NO. OF LOTS SOLD



VICINITY MAP
SCALE: 1" = 2000'

NOTES

1. EXISTING ZONING OF PROPERTY: DR 5.5
2. PROPOSED USE: RESIDENTIAL, WITH A VARIANCE TO SECTION 15012 C. 2 d. TO PERMIT A WINDOW TO TRACT BOUNDARY OF 70' IN LIEU OF THE REQUIRED 35'

Item #137

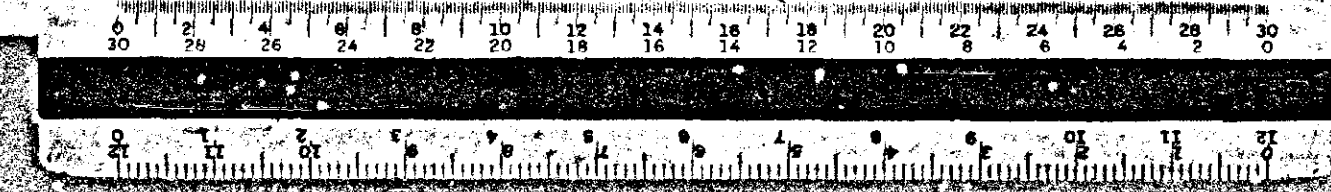
PLAT TO ACCOMPANY
PETITION FOR
VARIANCE TO ZONING
AT
LOT 67, BLOCK B
"OAKPARK"

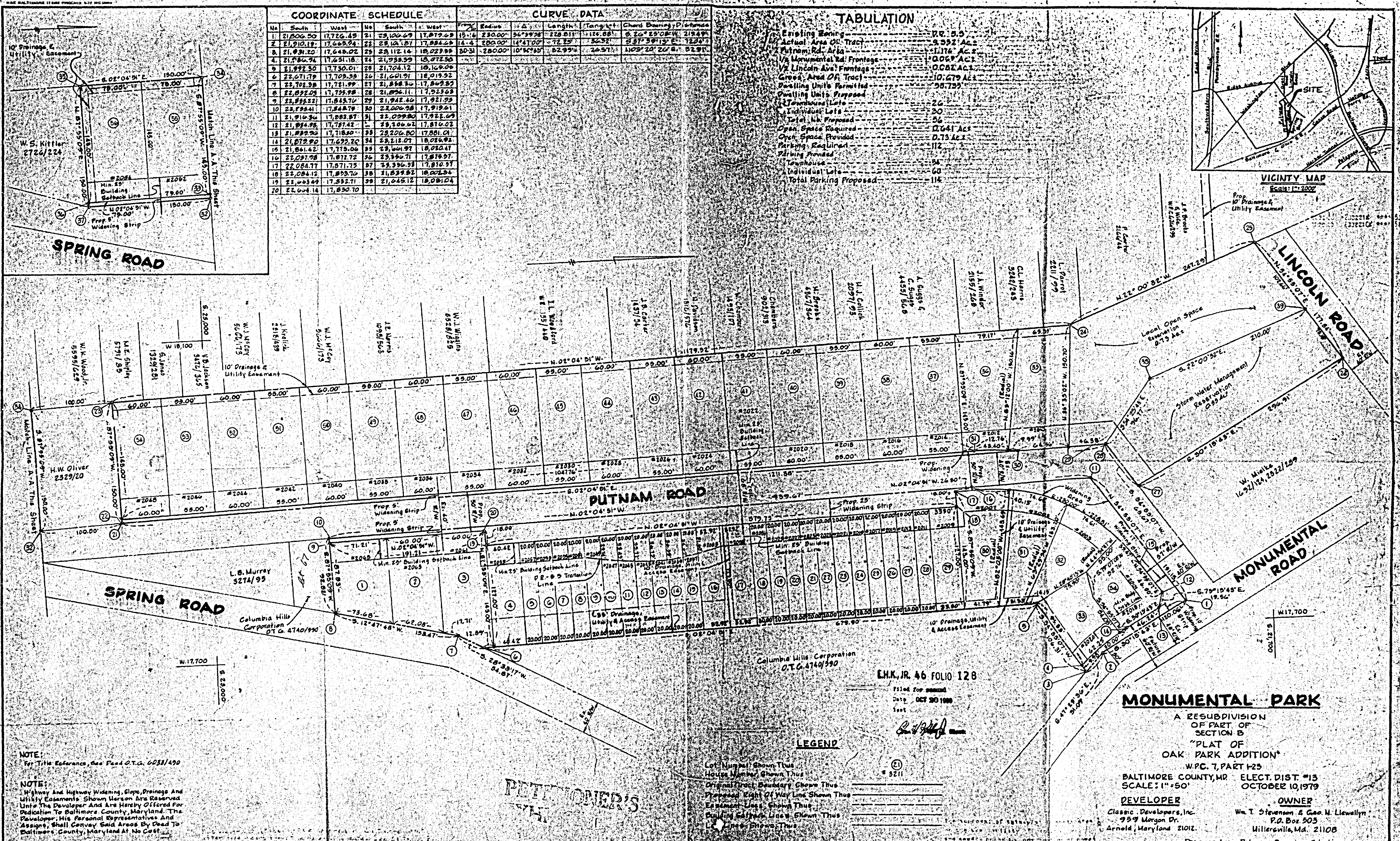
13th ELECTION DISTRICT BALTIMORE COUNTY, MD
SCALE: 1" = 50' OCTOBER 30, 1983

LOT 67 BLOCK B OAKPARK PLAT 7/23
DEED REFERENCE 6033/490 PARCEL 2

McKEE & ASSOCIATES, INC.

Civil Engineers & Land Surveyors
1717 York Road - Lan Lea Bldg. - Lutherville, Md. 21093





NOTE:
For Title Reference, see Plat O.T.G. 6038/490

NOTE:
Highway and Highway Widening, Slope, Drainage and Utility easements shown herein are reserved. Under the Developer and are hereby offered for Dedication to Baltimore County, Maryland. The Developer, his Personal Representatives and Assigns, shall convey said Areas By Deed To Baltimore County, Maryland At No Cost.

OWNERS CERTIFICATE:
THE UNDERSIGNED, OWNER OF THE LAND SHOWN ON THIS PLAT, HEREBY CERTIFIES THAT TO THE BEST OF HIS KNOWLEDGE, THE REQUIREMENT OF SUBSECTION (C) OF SECTION 5-106 OF THE REAL PROPERTY ARTICLES OF THE ANNOTATED CODE OF MARYLAND, HAS BEEN COMPLIED WITH INsofar AS SAME CONCERN THE MAKING OF THE PLAT AND THE SETTING OF THE MARKERS.

SURVEYORS CERTIFICATE:
THE UNDERSIGNED, A REGISTERED LAND SURVEYOR OF THE STATE OF MARYLAND, DOES HEREBY CERTIFY THAT HE IS THE SURVEYOR WHO PREPARED THIS PLAT AND THAT THE LAND SHOWN ON THIS PLAT HAS BEEN Laid OUT AND THE PLAT THEREON HAS BEEN PREPARED, IN ACCORDANCE WITH THE REQUIREMENTS OF SECTION 5-106 OF THE REAL PROPERTY ARTICLES OF THE ANNOTATED CODE OF MARYLAND, PARTICULARLY INsofar AS SAME CONCERN THE MAKING OF THE PLAT AND SETTING OF THE MARKERS.

LEGEND

- Lot Number Shown Thus
- House Number Shown Thus
- Original Tract Boundary Shown Thus
- Proposed Right of Way Line Shown Thus
- Easement Line Shown Thus
- Building Setback Line Shown Thus
- Lot Line Shown Thus

GEORGE WILLIAM STEPHENS, JR. AND ASSOCIATES, INC.
CIVIL ENGINEERS & LAND SURVEYORS
TOWSON, MARYLAND 21204

OWNER
Wm. T. Stevenson & Geo. H. Llewellyn
P.O. Box 503
Millersville, Md. 21108

DEVELOPER
Classic Developers, Inc.
959 Morgan Dr.
Arnold, Maryland 21012

Drainage Area Patuxent Pumping Station

NOTE:
COORDINATES AND BENCHMARKS SHOWN ON THIS PLAT ARE REFERRED TO THE POINT OF CORRELATION ESTABLISHED IN THE BALTIMORE COUNTY METROPOLITAN DISTRICT AND ARE BASED ON THE FOLLOWING DATA:

NOTE:
THE STREETS AND/OR ROADS AS SHOWN HEREON AND THE NOTATION THEREON OR DEEDS ARE FOR THE PURPOSE OF DESCRIPTION ONLY AND THE SAME ARE NOT INTENDED TO BE DEDICATED TO PUBLIC USE, THE FEE SIMPLE TITLE TO THE ROAD THEREON IS EXPRESSLY RESERVED IN THE GRANTORS OF THE DEED TO WHICH THIS PLAT IS ATTACHED, THEIR HEIRS AND ASSIGNS.

COORDINATE SCHEDULE						CURVE DATA					
No.	South	West	No.	South	West	Radius	Δ	Length	Tangent	Chord Bearing	Distance
1	21,806.50	17,722.49	21	29,100.69	17,879.69	15.16	230.00	56.9998	228.81	S 26° 29' 08" W	219.69
2	21,810.17	17,668.02	22	29,102.87	17,884.68	14.4	200.00	14.4700	72.35	S 87° 39' 13" E	72.35
3	21,834.20	17,648.02	23	29,112.14	18,029.89	20.31	280.00	10.5695	52.99	S 87° 39' 13" E	52.99
4	21,884.94	17,631.18	24	21,939.39	18,072.58						
5	21,892.30	17,730.01	25	21,704.12	18,169.09						
6	22,071.79	17,709.99	26	21,601.91	18,019.92						
7	22,702.98	17,721.99	27	21,856.11	17,869.89						
8	22,892.03	17,799.98	28	21,942.40	17,921.99						
9	22,892.22	17,843.70	29	21,942.40	17,921.99						
10	23,894.41	17,843.79	30	22,006.98	17,919.61						
11	21,910.34	17,882.89	31	22,099.80	17,922.69						
12	21,894.38	17,787.42	32	22,106.62	17,810.02						
13	21,899.92	17,718.50	33	22,206.80	17,881.01						
14	21,879.92	17,692.70	34	22,218.07	18,025.92						
15	21,861.42	17,775.06	35	22,301.97	18,024.41						
16	22,097.98	17,812.72	36	22,396.71	17,875.87						
17	22,084.77	17,871.75	37	22,396.71	17,875.87						
18	22,084.12	17,899.70	38	21,839.82	18,002.34						
19	22,083.49	17,832.71	39	21,045.12	18,081.04						
20	22,004.14	17,850.70									

TABULATION	
Existing Easement	20.53
Actual Area Of Tract	9.992 AC.
Putnam Rd. Area	1176 AC.
1/2 Monumental Rd. Frontage	10067 AC.
1/2 Lincoln Ave. Frontage	0.682 AC.
Gross Area Of Tract	10.679 AC.
Dwelling Units Permitted	50.735
Dwelling Units Proposed	20
Individual Lots	20
Total No. Proposed	20
Open Space Required	0.641 AC.
Open Space Provided	0.73 AC.
Parking Required	112
Parking Provided	60
Templehouse	54
Individual Lots	60
Total Parking Proposed	116

